

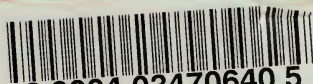
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# THE BOARD

OF

## Inspectors of Asylums,

PRISONS AND HOSPITALS

AND

**ITS ACCUSERS.**

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LETTER OF MR. J. C. TACHÉ,

CHAIRMAN OF THE BOARD.

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*Re-printed from the "Morning Chronicle."*

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QUEBEC, January 24th, 1864.

MR. EDITOR,—As you have had the kindness, of your own accord, to answer the attacks of the *Mercury* upon the Board of Inspectors of Asylums and Prisons, I have no doubt that you will have no objection to insert the following communication in your columns.

Your's truly,

J. C. TACHÉ.

To the Editor of the  
*Morning Chronicle*, Quebec.

~~~~~  
JANUARY, 1864.

MR. EDITOR,

For nearly three months some newspapers, amongst which the *British American*, of Kingston, and the *Mercury*, of Quebec, have made themselves

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pre-eminent, following an old path of the *Globe* of Toronto, have accumulated attacks upon attacks, insults upon insults against the Board of Asylums and Prisons Inspectors, all in relation to the management of the Provincial Penitentiary.

To this very moment I have endured with a good deal of patience those aspersions, and I would have probably continued to despise those vituperations, had I been alone concerned in the matter ; but, as others are involved in them, as my family has a right that I should defend for them my position as a functionary, and, moreover, as the authority of our Board is suffering and may suffer still more from the tactics adopted against us by those papers, I thought it my duty to cease being silent.

Let it be well understood, however, that my intention is not to battle with our accusers for any length of time ; I intend simply to show, in as few words as possible, once for all, the fallacy of their arguments and the total inaccuracy of their statements.

To answer *seriatim* to the numerous columns written against the Inspectors by the above designated writers, would require a volume. Fortunately there is no necessity for such labour to show the *animus* of those writings, and to upset the whole fabric of their indictment against the Board.

To bring, first, some order in writings in which there is none, let us make an abstract of all the accusations referred to.

We are accused, in one place, of *culpable negligence* or *incapacity*, in another place of *incompetency* or *something worse* ; here we are taxed of *ignorance*, there of *want of vigilance*, elsewhere of *extravagance* and *folly*. A little further we are accused of *lavishness* in the expenditure, of a want of *watchfulness* and of *unbecoming familiarity with the convicts* during our visits.

They complain that our reports do not contain all the detailed information desirable, and that they are not distributed in sufficient number and in good time ; that the Inspectors have created new offices at the Penitentiary, have appointed a greater number of guards than that fixed by law, and have increased the salaries of those same guards to a collective amount—asserted to be \$11,070 in one article, and \$6,720 in another—in the face, too, of the laws and the statutes provided in the case : and, at last, comes the accusation, which is not the least grave, of having erected, at Rockwood, an immense and costly building, without necessity and without authority.

All that I have heretofore related may be called *the chapter of recriminations and accusations* ; then comes *the chapter of comparisons*, to be followed by *the conclusion*, the tenor of which is easily imagined beforehand.

A comparison is drawn between the Provincial Penitentiary and the "State prisons" of the State of New York, which, by the bye, are represented as being a source of *great profit* to their State ; hence is assumed the bad management of our own Penitentiary.

After the comparison between the Penitentiaries of New York and the Penitentiary of Canada, comes an alarming comparison between the Inspectors and Messrs. Brown and Bristow—or rather Bristow and Brown, according to the order of names in the *Mercury*, whose writer in the premises is supposed to be a man interested in that very question of *precedence*.—Messrs. Bristow and Brown, then, are said to have effected wonderful improvements in the internal and external economy of our Penitentiary ;



improvements which had never been dreamed of before, and which, unfortunately, have only lasted just the space of time during which Messrs. Brown and Bristow—pardon—Bristow and Brown remained Inspectors of the above-mentioned, and, ever since, very badly managed institution. \* \*  
 “Verily ye are wise, and wisdom will die with you!”

From all that is drawn, as an unavoidable consequence, purely on public grounds, . . . that the situations of the Inspectors are wanted by somebody else! To attain such a desirable end, the writers sometimes seem to recommend a *rigid enquiry*, the sole object of which, according to the *Mercury*, should be—without begging the question—to answer simply to the following query:—“Why have the Prison Inspectors failed to secure profitable employment of Penitentiary labor, and the proper efficiency of the Penitentiary officers?” But sometimes, however, (merely for economy and expedition,) they appear to be of opinion that a change may be resorted to without the enquiry. The *British American* intimates, in its number of the 9th November:—“They (our friends) call aloud for a change in the managing board, and the Government are looked to to effect it.”

I have no inclination, in the least, to answer to the accusations of ignorance, laziness, and others of the same description; but there is amongst them one passage that I cannot allow to go unnoticed; it is the one in which the *British American* declares the Inspectors guilty of incompetence, or something worse. I really do not understand what the writer wishes to convey by that mysterious expression, unless I put it in conjunction with a sentence escaped from the pen of his confrere of the *Mercury*, in which a job is spoken of in relation with the Rockwood buildings, and interpret those expressions as an insinuation that the Inspectors might have some pecuniary interests in the Penitentiary transactions. If that is the meaning, I would not have terms strong enough to denounce such a vile calumny, nor scorn adequate to the baseness of those who could fabricate such an unpalatable suspicion; because I look at the commission of such villainy as absolutely impossible for the Inspectors; unless, indeed, you suppose, at the same time, a profound degradation in them, in the Warden and officers, and in the dealers with the institution. No money nor bills pass through the hands of the Inspectors, and they are no party to any contract; the law says: “*The Inspectors shall have no executive power.*” \* \* \* *All purchases and contracts shall be entered into, conducted and executed by and in the name of the Warden.*”

Now about the *familiarities with the convicts*. This accusation is nothing more than gossip, the source of which is very well known to the Inspectors, and constitutes one of the annoyances from which Penitentiaries are less exempt than any other establishments in the world. The fact is that Inspectors have with the prisoners no other conversation than those of strict duty or charity. Very often the only means in their possession of knowing what is going on is by interrogating the convicts. Let us suppose the case of an irregularity on the part of an *employé* of the institution, committed before the convicts alone, (which is ordinarily the case); a case of brutality, an unjust report, an unbecoming demeanor, whatever you please, and let us suppose a constant repetition of such acts detrimental to the discipline and ultimate aim of the institution: Who is there to give us information, if it is not one or more of the convicts? \* \* \* Does any one believe that the guilty party will? \* \* \* Certainly such evidence is to be received with a great deal of caution, and acted upon only with a great deal of discretion, and only when corroborated; but Inspectors that would not search for such information will learn but little of things that it is their duty to enquire about. This fact is well known to writers on the subject of prison discipline.

On that score, no matter what the gossip and who the gossipers, the Inspectors regret only one thing: it is that they cannot have more time to speak with the convicts; whether those conversations have for their object some soothing words of consolation, some kind reprimand, some good advice, some encouragement to do well, or questions in relation to what is going on in the institution. \* \* \* If we were not to understand the necessity of such a course, we should be deficient in those qualities of heart and mind absolutely required for the discharge of the duties of our office.

The whole accusation of *culpable negligence* and want of *surveillance* on our part is founded on the fact that one of the convicts has succeeded, with the supposed participation of an officer of the establishment, in coining counterfeit money; and on that the *Mercury* exclaims, in his number of the 6th November last:—"It is not simply that crime, requiring time and labor, and more than common facilities for its perpetration, has been committed where it might have been least expected. \* \* \* It is that "an *employé* of the institution is implicated, in a manner which establishes "an utter want of discipline, and an absence of that watchfulness on the "part of the superior officers without which proper control and management "are impossible."

It is well to remark, at first, that in the supposition, even, of some want of watchfulness at the time, such want could not be attributed to the Inspectors, who have no executive power to exercise, and do not and cannot undertake the task of daily and hourly *surveillance*. Secondly, the counterfeiting, in the way it has been done, in this case, requires neither complicated apparatus, nor great time or great work, nor more than "common facility." I have been, for my part, really astonished at the little preparations with which false-coiners can manufacture some of the products of their abominable industry; but I have been much more astonished at the sentence in which the *Mercury* expresses the opinion that *a Penitentiary is the very spot from which evil doings are the least expected*.

Now, the fact is that crimes, of a much worse character than the one above spoken of, are constantly committed in penitentiaries through the world every week; prohibited and dangerous articles are almost daily confiscated in penitentiaries, whether they have been manufactured in shops, or introduced stealthily from the outside.

It would be a very easy task, indeed, to go abroad and to recite hundreds of analagous occurrences in foreign institutions; but I prefer to quote a case just in point, from the annals of our own Penitentiary. The circumstances took place under the very eyes of Messrs. Bristow and Brown, so it must be conclusive evidence. Messrs. Bristow and Brown were Extraordinary Commissioners of the Provincial Penitentiary, with almost unlimited powers, well paid, and had been and were at the time in session, enquiring about the discipline and affairs of the institution, and giving orders which were at once and without fail sanctioned by the Government of the day.

It was in the month of November, 1848. Several convicts had been for a length of time plotting, with the intention of setting fire to the whole establishment; setting at naught the watchfulness of guards, overseers, officers, including the Inspectors and Commissioners Extraordinary. They had, for a *long time, with a deal of labor, and more than common facilities*, manufactured torches, firepots, containing, amongst other things, tallow and spirit of turpentine, procured candles and matches, cut the hose and otherwise damaged and rendered useless the fire engines, penetrated under the roofs, where they had no business to be, deposited their apparatus,

lighted them, and finally burned to ashes, on the 25th of Nov., the large roof of one of the prison wings, several other parts of the buildings having previously escaped by happy chances, as was subsequently discovered.

Does all this prove that Messrs. Brown and Bristow are *ignorant, lazy or something worse*? Not at all. But it proves that watchfulness is not unailing, and that the *penitentiaries are the very place from which evil doings are to be most expected*.

If another argument was wanted to establish that with the best of motives and earnestness, there are irregularities and evils which are difficult to prevent, even when they are easily foreseen, again the high authority of Messrs. Bristow and Brown could furnish it. In their report of 1850, speaking of the constant introduction amongst the convicts of prohibited articles, they say:—"The Warden and his subordinate officers have used every exertion to put a stop to this improper and injurious practice; but not, we fear, with success. We suggest the propriety of introducing into the new Penitentiary Act a clause, making it penal to bring such articles into the Penitentiary." It would have been better to ask for a *clause to discover the guilty parties*, for there lies the whole difficulty!

Who, then, are to succeed, where Messrs. Brown and Bristow have signally failed? But not only are we reproached for not having prevented a convict from imposing upon his guards, but we are also accused of having not anticipated the supposed culpability of an officer of the institution, and of not having prevented its perpetration. It would be just as reasonable to accuse a Government for the defalcation of an *employé*, the directors of a bank for having been robbed by an absconding clerk, a general for the act of a sentinel leaving his post, or delivering the pass-word to the enemy. Such reasoning does not really require any refutation; it falls to the ground of itself, to the shame of the utterers.

As to the accusation of lavishness and extravagance in the expenditure of the Penitentiary, such a statement disappears before an honest examination of the facts; for to sustain it, our detractors affect not to take into consideration that nearly a fourth of the sums voted under the name of Penitentiary is expended at Rockwood for the benefit of another institution. In other words, they charge against the current expenditure of the Penitentiary the entire outlay for the erection of vast and costly buildings for the use of another, and, to all intents and purposes, entirely distinct and separate institution. The Provincial Penitentiary is neither the least costly of institutions of the class, nor is it, on the other hand, amongst the more costly; it ranks, in fact, as will be shown, amongst those that are most economically managed. The question of cost will be considered hereafter, with statistical information taken from official documents.

The *Mercury* has a pet argument, which is repeated by him very often as a masterpiece of cleverness, I suppose. Here it is:—" \* \* \* prison and reformatory management, together with prison inspection, entail upon the Province burdens amounting to \$155,612 03 "

It is a good deal, but it is not all. All the asylums, hospitals, prisons and reformatories, under the inspection of the board, do cost a great deal more than that sum; and still it is no argument against the board. One thing may cost a large sum and be cheap; another thing may cost a sum, small in itself, and yet be very dear. The support of indigent and dangerous classes is everywhere a very heavy burden upon society, but it is an unavoidable one. I am really astonished at the short-sightedness of the writer of the *Mercury* on this point; if, instead of expressing the above-mentioned sum in dol-



lars, he had done it in farthings, he would have gathered such figures as to astonish every one of his readers disposed to be satisfied with his argument as it stands.

The Inspectors, it is said, do not give enough of detailed information in their reports, and those reports are not distributed widely enough. The answer to that charge is as simple as it is conclusive. The Inspectors have no control whatever in the printing and distributing of their reports, which are so printed and distributed under the supervision of the Printing Committee of the House of Assembly. No matter how concise are the appendices of those reports, where the details of information are to be found, they are always curtailed for the printers. Furthermore, it would appear that the *British American*, who utters that complaint, is, after all, very little interested in the question, as he is always asking questions, the answers to which are given, at length and in print, in reports evidently in his possession. It will be seen, hereafter, that the printing of Provincial Statutes, in full, has had a small influence on his knowledge of the questions he undertakes to expound.

In relation to the increase of the salaries of officers and guards of the Penitentiary, and of creating new offices, the answer is, that the Inspectors have no power to do it, and have in fact not done it. The salaries were, indeed, increased to the extent of nearly a fourth of the whole, several years before the appointment of our Board; and what those *able and practical* writers believe, in their conscience I suppose, to be a discovery, is nothing more than a display of ignorance.

On that score the editor of the *British American* puts on his best appearance and lets out a little of his constitutional knowledge. After having said, in the number of the 30th November last:—"The additions made to "the salaries of the guards by the Inspectors, apparently without any "authority, represents an annual expenditure of \$6,720." \* \* He adds, on the 1st December. \* \* "Possibly there may be some authority "which does not appear on the face of the statutes, for the deviations we "have noted from the statutory provisions; but we know of no authority, "except Parliament itself, which has a right to override the enactments of "an act of Parliament."

For the peace of mind of the dutiful watchman of public interest and parliamentary privileges, I can happily inform him that the increase of salaries alluded to was ordered by His Excellency the Governor in Council, agreeably with the dispositions of the Act 18th Vic., chap. 89, (1855,) which is commonly called the *Percentage Act*.

So the editor of the *British American* can enjoy a comparatively comfortable sleep! True, these horrid Inspectors do hold offices coveted by others; \* \* \* but they are not guilty of the usurpation of the powers of either the Parliament or the Executive.

As far as the number of subordinate officers is concerned, and the aggregate amount of their salaries, including the percentage, it has always been brought within the letter and intention of the law. True, the number of employes called guards is apparently more numerous, but the number of a superior class, called keepers, is much less than allowed by the law—the transfer from one class to another less paid being in the interest of the institution. Astonishment is expressed at the increase of the salary of the Inspectors, as compared with that of the former Penitentiary Inspectors, who had nothing else to do than to look after the Penitentiary; but the appointment of the present Board is not made in virtue of the

Penitentiary Act alone, but agreeably to the Act 20th Vic. chap. 28th. Moreover, the subsection on which the *British American* (the writer of the *Mercury* being a little wiser or more elevated in the estimation of himself, does not object to the salary of the Inspectors,) bases his argument, has been formally repealed by an act of Parliament.

But the most astonishing of all those accusations, perhaps, is that to which the *Mercury*, in his issue of the 9th January, gives a form in the following terms:—"We cut off all charges for materials and labor on account of the asylum at Rockwood, because the buildings in progress there afford one of the strongest illustrations of the waste and folly which have disgraced the management of the Board. Whatever fate awaits them, the Rockwood Asylum will be a lasting monument of their recklessness or incompetence. Year after year it has absorbed large sums. There is, however, absolutely no necessity for it; from its inception to this day it has been a job that would be ludicrous but for its costliness. The Inspectors cannot but be aware that for the accommodation of the insane prisoners, a ward of the Penitentiary would be ample; yet these buildings have been allowed to go on, year after year, although their inutility for Penitentiary purposes has been notorious from the outset. To reach the truth of the credit side of the amount, even approximatively, the \$35,050.90½ which are charged as for the Rockwood buildings must be transferred to the debit side, as representing so much materials and labor thrown away—literally wasted, thanks to these vigilant inspectors."

Ignorance and blundering are decidedly getting the better of bad faith in this passage, which evidently proves that one may have the venom of the serpent without its wisdom.

The erection of the Rockwood buildings, proclaimed by the writer to be *unnecessary, ludicrous* and foolish, owes its origin not to Inspectors, recent or ancient, not to the Executive Government, but to the will of the three branches of the Legislature, as expressed in an Act of Parliament passed in 1857, and embodied in *Revised Statutes of Canada*, chapter 108. In chapter 111 are contained the legal dispositions authorising convict labor to be employed in erecting the Rockwood buildings, and in the chapters already mentioned, and the chapters 109 and 110, is prescribed *what is to be done with that lasting monument of the recklessness or incompetence of the Inspectors.*

At the time of the organization of the present Board of Inspectors (in December 1859), the plans of the Rockwood Asylum, prepared by an able architect and approved by distinguished alienists, had been sanctioned by the Governor in Council, and the work was already in progress. Since that time all the sums expended at Rockwood have been *voted* by Parliament for that very purpose. The Inspectors have no more part in any censure that may be passed on the Rockwood buildings than in the eulogiums pronounced on them by the *American Journal of Insanity*, (page 240 of the XIX vol.), the highest authority among periodicals on the subject on this continent. All that the Inspectors have had to do with the work has been to render the cost of those buildings (costly in their nature) as little as possible, and, on that point, they have saved on a single item several thousand dollars, by a well-timed and well-directed alteration in the specifications of materials.

As, therefore, the Inspectors have only acted in obedience to the laws, and the orders of their superiors in this affair, it is only just and proper that the *Mercury* should restore to the credit side of our balance sheet (for

the year mentioned) that sum of \$35,050 90½ which has been so unmercifully "cut off" by him; nay, "*transferred to the debit side.*"

I now come to the comparisons, drawn by those clever accountants, between the penitentiaries of the State of New York, and the Provincial Penitentiary; such comparisons being based upon the mere assertion that American prisons are *self-sustaining*; not only that, but a source of income for the State, such income being set down at the collective sum of \$75,404 for the years 1859, 1860 and 1861, as derived exclusively from the Auburn Penitentiary.

My best answer to this is comprised in the following statements of expenditure and receipt of the three New York State Prisons, taken from the Public Accounts as presented to the Legislature of the State of New York, by the Comptroller:—

(See "*Assembly documents*" for each corresponding year.)

1855. *Expenditure*—Sing Sing, \$122,069.48c; Auburn, \$66,666.67; Clinton, \$68,323.53. *More for debts*—Sing Sing, \$125,068.16; Auburn \$40,533.54; Clinton, \$36,834.87.

*Total receipts*—Sing Sing, \$82,079.46; Auburn, \$71,156.08; Clinton, \$857.70.

1856. *Expenditure*—Sing Sing, \$114,264.42; Auburn, \$70,030.19; Clinton, \$55,039.38. *More for books*, \$500. *More for debts*—Sing Sing, \$8,773.16; Auburn, \$288.27; Clinton, \$132.03.

*Receipts*—Sing Sing, \$86,935.60; Auburn, \$74,518.48; Clinton, \$6,151.04.

1857. *Expenditure*—Sing Sing, \$109,975.83; Auburn, \$74,492; Clinton, \$47,651.41. *More for books*—Sing Sing, \$200; Auburn, \$200. *More for criminal insane asylum*, Auburn, \$15,000. *More for debts*—Sing Sing, \$19,893.56; Auburn, \$47.75; Clinton, \$859.79.

*Total receipts*—Sing Sing, \$81,867.92; Auburn \$64,121.42; Clinton, \$26,050.54.

1858. *Expenditure*—Sing Sing \$119,387.74; Auburn, \$77,213.98; Clinton, \$58,025.65. *More for criminal lunatic asylum*—Auburn, \$20,000. *More for debts*—Sing Sing, \$8,733.30; Clinton, \$435.77.

*Total receipts*—Sing Sing, \$39,818.92; Auburn, \$33,300; Clinton, \$3,762.04.

1859. *Expenditure*—Sing Sing, \$130,994.95; Auburn, \$87,160.19; Clinton, \$72,526.40. *More for books*, \$700. *More for debts*—Clinton, \$19,690.

*Total receipts*—Sing Sing, \$89,208.71; Auburn, \$75,917.62; Clinton, \$17,313.94.

1860. *Expenditure*—Sing Sing, \$162,716.47; Auburn, \$100,854.10; Clinton, \$81,352.61. *More for criminal asylum*, \$19,586.23. *More for debts*—Clinton, \$35,000.



*Total receipts*—Sing Sing, \$99,993.77; Auburn, \$98,286.53; Clinton, \$23,273.02.

1861. *Expenditure*—Sing Sing, \$163,231.32; Auburn, \$111,614.63; Clinton, \$69,069.15. *More for criminal asylum*, \$14,222.53.

*Total receipts*—Sing Sing, \$28,780.80; Auburn, \$48,067.85; Clinton, \$16,090.46.

It would require a great deal more time and space than I can dispose of at this moment to draw, from the above figures as compared with the corresponding items relative to our Penitentiary, all the conclusions and deductions which they suggest. Let it be well understood, however, that I do not mean to convey the idea that any part of the large expenditure incurred on account of the New York State Prisons was unnecessarily, much less illegitimately incurred, on the contrary I am convinced that such expenditure was unavoidable. My sole object was to oppose those facts to the gratuitous assertions of our adversaries, namely: That the New York State prisons are more than self-sustaining establishments. Those accounts of the Comptroler of the State of New York show that the three penitentiaries in question are far from constituting an exception to the general rule, that *everywhere* penitentiaries are costly institutions and that *nowhere* do the receipts approach in amount their expenditure.

As the reader must have noticed the great difference in the relative figures of expense and receipt for those three penitentiaries, it is well to remark that they are all under the direction of the same Board of Inspectors; hence the conclusion must be drawn that direction alone is not all that influences the results, but that local circumstances have also a great deal to do, in these matters, as well as in many others.

To sum up the aggregate of the figures above related, let us remark that, during the seven years elapsed between 1855 and 1861 inclusive, the *self-sustaining* penitentiaries of the State of New York have cost \$2,329,359.16, that they have produced \$1,067,551.90, making a total *deficit* of \$1,261,807.26 in all.

How does it happen, then, that so many people are deluded with the notion that these institutions are self-sustaining? I answer: By the system of arranging the figures in the annual reports of the wardens of those institutions; making an imaginary distinction between *ordinary* and *extraordinary* expenditure; the latter being kept out; entering as receipts, besides the cash, all sorts of items under the different titles of *available*, *unavailable earnings*, *excess of inventory*, and so on.

Such manœuvres have induced the Comptroler of public accounts to say in his report for 1854:—"The sequel of this nice adjustment of accounts is, that Auburn prison owes for its support and maintenance, as reported to me by the committee for investigating the pecuniary affairs of the State Prisons, \$38,485.88."

The same system of account-keeping have compelled the new Warden of Sing Sing, when reporting for the first time on coming into office, and being desirous of representing things as they are without being afterwards subject to the invidious and unjust comparisons such as these from which our detractors are trying to make us suffer, to say in his report for 1862—"It will be my aim to avoid the great error which has prevailed in the reports of the operations of this prison for a number of years past, namely

“—endeavoring to make it appear, *on paper, at least*, that this prison was “paying more than its current expenses.”

After having given in figures a small part of the discrepancies between the facts and the words, he adds :—“The above statements are undeniable facts, and yet you will find, by a perusal of the annual reports, that the accounts are so footed up as to make it appear every year that the income “has been nearly equal to the expenses, and in some years much more.”

It is with such statements, and something added to them, compared with exaggerated deficits for our Penitentiary, that our detractors are arguing against the present Prison Board. If it was only an error it could be pardoned very easily; but what must one think of men like the writers of the *Mercury*, for instance, who, after having been shewn the exact truth, after having seen clearly the untruthfulness of their former statements, still repeat them, and continue, notwithstanding, precisely the same arguments for week after week? I leave it to the conscience of honest people to frame the answer.

The same writer of the *Mercury*, feeling, after all, the weakness of such arguments, has tried to operate a diversion by accusing us of what he calls *cooking* accounts, by this is meant attempting to make people believe that the Provincial Penitentiary defrays its expenses out of convict labor, which is exactly the reverse of all we have thought and said on the question. In order to induce his readers to give credit to his assertion, he tries to bring the Board in contradiction with the *Auditor General's* accounts, by contrasting the administrative *exposé* of the worth of the labor performed at the Public Works, entrusted to the authorities of the Penitentiary, and the balance-sheet published in the Public Accounts; without reflecting that the said balance-sheet is exactly the same as the one published in the very same report of the Board, which he quotes.

Those two pieces of information given by the Inspectors, in the same report (1862), at pages 21 and 183 of the French, 21 and 184 of the English copy, are simply the completion of one another. The first shows how many days of labor have been employed on public works, and the value of such labor, besides the number of days of labor on contracts, for which cash has been received. The second is the simple summary of cash transactions, in account current with the Province.

The administrative *exposé* of page 21 is as fair and as candid as can be; the balance-sheet of page 184 is also perfectly correct, so correct that the Auditor General has published it, in the second part of the Public Accounts, page 92, with the simple alteration of changing the place of one item, on the same side.

The *British American* discusses the prices of 40 cents and 50 cents a day, affixed to the labor of our best working convicts, and, to show that we are not justifiable in making it so high, he says :—“The highest contract price for convicts in the Penitentiary, that we heard of, is 35 cents “per day.” The only thing I can say is, that any one attempting to discuss such questions with the knowledge of what he has *heard of*, must necessarily commit many blunders, as we have already proved to be the case with the *British American*. For his information, then, we convey the intelligence that there have been at the Penitentiary several contracts at 40c., one at 45c., one at 50c. and one at 54 cents.



Let us now cast a look on the question of receipts and expenditure, beginning with the latter, in order to know whether there is or is not lavishness and gross mismanagement, as alleged by our detractors.

To facilitate the examination, it is necessary to classify the expenditure under different heads, namely : 1st, salaries ; 2nd, provisions ; 3rd, clothing and bedding ; 4th, fuel and light ; 5th, building and repairs ; 6th, miscellaneous, which includes, as well understood, a variety of small items not comprised in any of the others.

It is well to explain, at first, that the Inspectors have no control whatever over the salaries ; that they have scarcely any control over the supply contracts, which are given out by public advertisement ; that, in fact, with very little exception, the responsibility of the Board is confined to the *surveillance* of the proper usage and consumption of articles.

It would be altogether too long to enter into a full discussion of the multifarious questions connected with feeding and clothing prisoners, and in warming, lighting and otherwise providing such institutions as penitentiaries, and to consider all that in relation with the climate, situation and habits of the people. The simplest way of dealing with the question will be to show, by figures taken from the proper sources, that, notwithstanding many disadvantages, the Provincial Penitentiary occupies a distinguished rank amongst institutions of the same nature ; for I suppose that our adversaries do not mean to say that all penitentiaries are ill-managed, and that they ought to be appointed Inspectors of all of them.

I have no complete series of reports of the American prisons, so I make use of the most recent in my possession, giving, of course, the year and the mean annual population : that mean is established, for all in the same way, by adding the numbers at the beginning and end of the year and dividing by two.

The Provincial Penitentiary is the only one in which lunatics of different kinds are kept, fed, &c., &c. It has been the case for several years at Kingston. All the male lunatics of the so-called criminal asylum of Rockwood have been maintained out of the Penitentiary stores ; it was only during the year 1862 that, a part of the new buildings at Rockwood having been temporarily fitted up, the crowding of the insane ward at the Penitentiary was a little relieved. I give this information to explain to the reader that in the mean population of the Provincial Penitentiary, for 1862, are included 44 male lunatics, who, while they give no work, being added to the number of consumers, must necessarily be counted with them. This is a very important element in the calculation, which has been completely overlooked by sundry writers on the subject the more so that, for several years past, the mean number of male lunatics so kept to the cost of the Penitentiary has been over sixty.—Now, I will go on with the abstracts from reports above referred to :

*Kingston Penitentiary*, (1862), mean population, 808 :—I. salaries, \$34,409.92. II. provisions, \$23,334.88. III. clothing and bedding, \$11,587.97. IV. fuel and light, \$9,190.45. V. buildings and repairs, \$9,139.09. VI. miscellaneous, \$7,999.85.

*Sing Sing Penitentiary*, (1862), mean population 1,228 :—I. salaries, \$49,568.53. II. provisions, \$44,376.33. III. clothing and bedding, \$14,625.57. IV. fuel and light, \$4,527.51. V. buildings and repairs, \$4,589.92. VI. miscellaneous, \$12,334.45.

*Auburn Penitentiary*, (1862,) mean population, 795:—I. salaries, \$33,832.02. II. provisions, \$22,491.61. III. clothing and bedding, \$6,416.61. IV. fuel and light, \$3,171.25. V. buildings and repairs, \$11,009.81. VI. miscellaneous, \$11,482.05.

*Clinton Penitentiary*, (1862,) mean population, 478.—I. salaries, \$29,683.10. II. provisions, \$17,699.27. III. clothing and bedding, \$5,454.37. IV. fuel and light, \$2,241.45. V. buildings and repairs, \$2,259.76. VI. miscellaneous, \$6,247.95.

*Philadelphia Penitentiary*.—Solitary confinement system, (1859,) mean population, 383:—I. salaries, \$16,686.98. II. provisions, \$15,775.98. III. clothing and bedding, \$3,457.51. IV. fuel and light, \$5,056.65. V. buildings and repairs, \$2,842.74. VI. miscellaneous, \$3,507.

*Washington Penitentiary*, (1859,) mean population, 119:—I. salaries \$13,740. II. provisions, \$5,935.37. III. clothing and bedding, \$1,229.91. IV. fuel and light, \$1,355.31. V. buildings and repairs, \$668.55. VI. miscellaneous, \$1,718.33.

*Massachusetts Penitentiary*, Boston, (1859,) mean population, 487.—I. salaries, \$31,226.73. II. provisions, \$18,388.02. III. clothing and bedding, \$6,828.87. IV. fuel and light, not specifically separated, being included in a general item not at all entered elsewhere here, say \$2,000. V. buildings and repairs, \$12,247.39. VI. miscellaneous, \$1,348.65.

From these statistics, which would not be sufficient to make a thorough study of each item taken separately, but present a fair general *aperçu* of the relative cost of each establishment, it appears that the annual cost of each prisoner is as follows, for the institutions here mentioned:—Washington Penitentiary, \$207.12; Massachusetts Penitentiary, \$147.92; Clinton Penitentiary, \$133.20; Philadelphia Penitentiary, \$123.56; Kingston Penitentiary, \$118.39; Auburn Penitentiary, \$111.19; Sing Sing, \$105.88.

Of course, those proportions vary a little from year to year, but, as a general result, they are the true expression of the relative cost of all those institutions, with this difference, that Auburn generally costs a little less, proportionally, than Sing Sing; the change for 1862 being due to the unusual smallness of the ordinary item for building and repairs in Sing Sing, and the slight increase of the same item for Auburn.

I am necessarily obliged to abandon any idea of going fully into the merits of the different important questions raised by such comparative statistics; but there is enough in these figures to show that, although laboring under certain disadvantages, as that one, for instance, of being under a more severe climate, the Provincial Penitentiary does occupy a very favorable position.

I have not made any mention in the above statement of European Penitentiaries, because they are (specially the continental prisons) so differently situated from those of America, that comparisons between them would require lengthy remarks, which would be out of place in this communication. In England, owing to circumstances, the Penitentiaries are generally more costly than anywhere else in Europe. The Portland Prison, for instance, with a mean population of 1,395 prisoners, cost £55,411 15s. 7d., sterling, in the year 1862; that is to say, nearly \$200 per head. The cash receipts for convict labor amounted, during the same year, to

only £1,630 2s. 5d. sterling; but the work done for the State (in admiralty and war department works) is estimated by the authorities of the prison at £34,258 3s. 11d. sterling.

It is by means of erroneous *data* and by not making the two terms of the comparison analogous, that the *British American* sets forth the annual cost of maintenance of each prisoner, during the year 1861, at \$139.51 for the Provincial Penitentiary, and at \$89.75 for the Auburn Penitentiary. It is a good deal too much for the first, and a great deal too little for the second. What are the facts?

The total expenditure at Auburn, in 1861, was \$111,614.63, of which \$23,979 was for purchase of ground and additions to the buildings; the mean population of the year having been 825; this gives, then, for the average cost of each convict, \$135.29 for the whole expenditure, and \$106.22 for merely the maintenance and ordinary disbursements.

The total expenditure of the Provincial Penitentiary, deducting the amount expended at Rockwood, *but including the support of 64 male lunatics kept at the prison*, has been \$102,810.13; the mean population of the year having been 838, (774 convicts and 64 lunatics); the result give \$122.68 per head; which is the heaviest proportion during the time of the present Board, though smaller than several others recorded in the history of the Penitentiary.

Of course I am obliged to omit many remarks and explanations. \* \* Many words are often necessary to answer to a short accusation, and many phrases to prove the falsity of a calumny conveyed in very few lines. What must be the difficulty, then, when accusations and calumnies have been diffused over scores of columns?

I now come to the accusations in relation to the product of convict labor. I leave aside here all questions, though interesting and much disputed, about the best way of employing convicts; about competition with free labor; about working prisoners on public works, instead of allowing them to compete with the trade of honest people, &c., &c. \* \*

The convict labor at Kingston is made use of in two ways; a part is leased to contractors or devoted to the manufacturing of sundry articles for sale, and give, consequently, a return in cash; another part is devoted to the Rockwood and prison buildings, and, necessarily, the return is only represented as so much added to the real estate of the Province.

The cash receipts have amounted during the last four years, as a mean annual average, to the respectable sum of \$43,955 a year. It is more than Sing Sing in 1858 and 1861, and more than Auburn in 1858; not that I mean to say that the receipts are generally as large at Kingston as in those two penitentiaries, where nearly all the convicts are under contract; but to show that even at Kingston the receipts are no trifling item.

Our cash receipts are on the whole comparatively less than at Sing Sing and Auburn, for two reasons. First, because a great number of convicts being worked for the Province, therefore there is unavoidably a smaller number available for contract labor. Second, because we have not the same facilities for securing advantageous contracts as in the State of New York; to prove this, suffice it to say that all the best contracts (at all times) at the Kingston Penitentiary have been entered into by Auburn people.



The last of the attacks against us, and just issued a few days ago, is an accusation of having refused to renew advantageous contracts through mere malice or caprice. One must have a very crooked mind and a singularly organized heart to suppose anything of the kind. What pleasure or what interest, in the name of common sense, could the Inspectors have in damaging an institution entrusted to their care? The *British American* speaks of two contracts: it is natural enough that I should refrain from mentioning in newspapers the reasons for the non-renewal of those contracts; the only thing I can say is that these reasons, though not at all reflecting on the character of the contractors, were deemed imperative by all the superior officers of the Penitentiary.

Let us come now to the comparison drawn between Messrs. Bristow and Brown and the present Inspectors. The *Mercury* calls the first "*the unpaid but untiring Inspectors*," and says of the present Board as it is, with an allusion to what it might be (if \* \* \* ):—"As now organized, its inefficiency is notorious. No commanding, well-informed mind inspires its deliberations and moulds its action."

Delicately insinuated, everybody must admit \* \* \* If I was not a functionary threatened with dismissal by the *Mercury*, and actually dismissed by the *British American*, I would be inclined to be merry and to laugh; but I must not.

They were then, as the *Mercury* states, *unpaid and untiring*; but I find that they have not always been so, because they had been Commissioners of the Penitentiary as well as Inspectors, and the cost of their commission, for a few months of real labor, is footed up, in the Public Accounts, at \$12,000, in two payments. I find, also, in the Penitentiary accounts, that in 1851 they were allowed a sum of \$1,200, as follows:—No. 468, George Brown, contingents, £150; No. 520, William Bristow, contingents, £150; from all which I gather that their services have not been so gratuitous as reported. I see, also, in the records of the institution, that they have not been always *untiring*, because, from the 16th of April, 1849, the date of their final report as Commissioners, and of the cessation of their regular emoluments, to the month of November, 1851, they officially paid only eight visits, and had only, in nearly three years, 24 sittings (much less than the present Board always have in one single year), and that they had not one sitting during the last six months of their administration, which seems to indicate some *fatigue* or lack of zeal on their part.

The said model Inspectors are praised for having inserted the following aphorism of Penitentiary management:—"We consider that Penitentiary, "in a financial point of view, as ill-managed, that does not make its revenue "nearly equal to its expenditure!" \* \* \* But they were themselves, for more than three years, Inspectors of the Penitentiary, and they did not make the revenue equal to the expenditure, *nor near the half of it*. So we may say of them, *si parva licet componere magnis*, what Tacitus said of one of the Roman Emperors:—"He would have been thought most worthy of "empire had he never reigned!"

They (*the unpaid and untiring Inspectors*) receive great praise for having *estimated* the expenditure of the Provincial Penitentiary at a very low sum, indeed, during the days of their administration. It is a great merit, no doubt, when the *expenditure* which follows is the proof of the soundness of the calculation \* \* \* but when the *estimate* falls short by a great deal more than the half of the *expenditure*, under the administration of the very men who made the estimate, what does it then prove? I should be inclined to answer: It proves that *no commanding mind* has moulded the estimates!

I cannot resist the temptation of quoting, at length, the very remarkable paragraph of the *Mercury* on the subject now in question, in which the former administrations of the Penitentiary are contrasted with that of Messrs. Bristow and Brown. Let us read :—

“ The annual grant from the legislature and the military chest, for the support of the institution, had risen from £2,050, in 1835, to £16,437 in 1848. The average cost of the management for the three years, 1846, 1847 and 1848, is stated to have been £16,314. In 1849—after the commission had been at work—the cost was £10,589, being a saving during the year of not less than £5,725. For 1850 the estimates of Messrs. Bristow and Brown, including outlay upon buildings on an extensive scale, were £7,513, or less than one half of the yearly expenditure previous to investigation. The Inspectors had then commenced the system of making prison labor productive, though their plans had been put only into incomplete operation. Reporting again in April, 1851, they stated that the comparatively small grant of the previous year had been found adequate, and a still further reduction was indicated as possible. The amount applied for to meet the wants of the then ensuing year was £4,977.”

The *Mercury* adds, a little further :—“ It will be seen, then, that up to this time maladministration and reform had each had its trial. A growth of annual cost from £2,050 to £16,437, exemplified the former; whilst the reality of the reforms afterwards introduced is attested by a reduction in the cost from £16,437 to £4,977, with a reasonable certainty that in following years a grant from the Provincial Treasury would not be required. Indeed, it has been stated, we believe truly, that the intention of the unpaid Inspectors was to ask for the year 1852 only about £1,500, and even this sum for building material; it having been then ascertained that the labor of the institution was sufficiently productive to defray all the cost of the establishment, and even yield a surplus of £1,000. Under Messrs. Nelson and Dickson, the management speedily relapsed into its original expensiveness; and the formation of the Board of Inspectors, instead of checking the backward tendency, seems to have rendered it worse.”

It would be difficult to accumulate in the same number of words more silliness and untruth than is contained in the preceding quotations; in fact, there is not a word or a figure correct, except the figures of the estimates.

Could any one imagine anything more silly than the astonishment manifested at the comparative cost of the Penitentiary in 1835, the very first year of its organization, when a few dozen of prisoners had been admitted, with the cost, thirteen years after, when the mean annual population reach several hundred convicts. The author of such a wonderful comparison ought to have carried it further and said: Why is it that the cost of the Penitentiary had risen from \$000,00 in 1831 to \$48,928 in 1851, under the management of Messrs. Bristow and Brown? And, going still deeper in the question, to have asked: Why is it that the revenue from convict labor was only £796 in 1849, under Messrs. Bristow and Brown, while it has been \$46,530 in 1860, under the management of the present Board?

Who would not admire the simplicity of the writer who verily believes that the unpaid Inspectors had, within themselves, “the intention” of giving £1,000 to the Province instead of asking money to defray the cost of the Provincial Penitentiary? “How happy Achilles to have had Homer

"to sing his prowess!" but how much happier are Messrs. Bristow and Brown!

Let us now proceed to discuss the real facts of the case. As parts of the reports of Messrs. Brown and Bristow as Inspectors, in 1849, 1850 and 1851, are embodied in the *Mercury's* statements, it is necessary to remark that, in those reports, as well as in the reproduction of them, the cost of former administrations has been somewhat exaggerated by the simple practice of *including the balance in hand in the expenditure*; it is thus that the expenditure for 1835 is not £2,050, but £1,830; and the average cost for the years 1846, 1847 and 1848 is not £16,314, but £15,334.

The cost of the Penitentiary under the management of Messrs. Bristow and Brown has been, on the other hand, greatly underrated, by quoting *estimates* and taking no notice at all of expenditure. In this way the cost for maintenance alone is not £10,589 for 1849, but £12,627; the expenditure for 1850 is not £7,513, but £11,995; and the ordinary disbursements for 1851 are not £4,977, but £12,232.

And let us bear in mind the consideration that the number of prisoners was a good deal smaller during the years 1849, 1850 and 1851, in Messrs. Brown and Bristow's time, than for several years before, and also that the relative number of military prisoners was larger for a part of the same time than it had been for most of the time before or ever since. Let us add, again, that Messrs. Brown and Bristow left a debt to their successors, Messrs. Nelson and Dickson, without leaving adequate means to pay it. The very reverse had taken place with them; they mention in their report for 1849 a debt of £5,000 left by their predecessors in office; but they *forget* to tell that their predecessors had also left £5,450, in hard cash, to settle it. However, the thing is made known by the balance-sheet of the transactions of the year. If we were to charge Messrs. Brown and Bristow with the total amount at the foot of the balance-sheet of that year, without discriminating the items and without deducting the balance in hand, *as they do for others*, their expenditure would appear *by far*, proportionately, the heaviest of the whole history of the Penitentiary, being £18,249 for a mean of 432 prisoners.

To compare the relative yearly cost of each prisoner during Messrs. Brown and Bristow's time, with the cost under the management of the present Board, let us give the real figures of ordinary expenditure with the complementary *data*, viz :

1849—Mean population, 432; expenditure, \$50,508; receipts, \$3,186. Proportion of expenditure, \$116.91; proportion of receipts, \$7.37.

1850—Mean population, 403; expenditure, \$47,980; receipts, \$10,716. Proportion of expenditure, \$119.05; proportion of receipts, \$26.59.

1851—Mean population, 417; expenditure, \$48,928; receipts, \$18,268. Proportion of expenditure, \$117.33; proportion of receipts, \$43.80.

1860—Mean population, 822; expenditure, \$91,986; receipts, \$46,530. Proportion of expenditure, \$111.90; proportion of receipts, \$56.60.

1861—Mean population, 838; expenditure, \$102,810; receipts, \$45,291. Proportion of expenditure, \$122.68; proportion of receipts, \$54.40.

1862—Mean population, 808; expenditure, \$95,662; receipts, \$40,044. Proportion of expenditure, \$118.39; proportion of receipts, \$49.55.



By these figures it is seen that, singly taking them as they appear, the cost of each prisoner has been a little more during the three years' administration of Messrs. Brown and Bristow than during the three years of our administration ; the average for the whole being \$117.76 for the former, and \$117.65 for the latter. These figures show, moreover, that the proportion of the products of convict labor have not reached, during the most favorable year of Messrs. Brown and Bristow, the proportionate amount of the least favorable of ours.

But the above result implies still more, when the following facts are taken into consideration : That the statutory salaries now paid are larger than they were at that time ; that, comprised in the Penitentiary population of Messrs. Brown and Bristow's time, was a very large number of military prisoners, whose expenses were smaller than those of the others, and whose labor belonged to the prison ; while, on the contrary, in the population of 1860, 1861 and 1862 are included, for 1860 and '61, the number of 64, and for 1862 the number of 44 male lunatics, who, while they received exactly the same treatment as the convicts, were not giving any work to the Penitentiary.

During the year 1862 (and it has been unfortunately the same in part of 1863) the typhoid fever, which prevailed also outside, disturbed, to a considerable extent, the whole institution, causing additional labor, anxiety and expense, and curtailing by several thousands the working days, both on contracts and on other kind of work. It reminds me that the *unpaid Inspectors*, in their report for 1849, have given, as the reason for the non-realization of their *estimates* of return (which, by the bye, was not only small, but smaller than it had been the year before under their predecessors ; though the heaviest works on the buildings had been done by these predecessors), that the cholera had made its appearance in the institution. But, on referring to the report of the physician, it appears that the whole of the ravages of the disease during the year amounted to 17 cases of that sickness. We have had, unfortunately, more than 150 cases of typhoid fever during the year 1862.

The history of the administration of the *unpaid and untiring Inspectors* would be an extraordinary one. I should never have referred to it, but that the attacks of the *Globe*, from the date of the first organization of our Board, and the recent accusations, on behalf of Mr. Bristow, in the *Mercury*, forced me, in self defence, into a little raid into those quarters. Such history, if it became necessary to write it in full, could be divided into two chapters, comprising two periods, and be summed up as follows : 1st period—Messrs. Brown and Bristow are Commissioners ; they deal in Penitentiary literature, not of the best description, however ; they manufacture codes, establish principles and proclaim aphorisms and axioms ; they throw blame upon everything and everybody previously connected with the provincial Institution, and embellish the future with wonderful expectations and promises. 2nd period—Messrs. Brown and Bristow are inspectors ; called upon to administer, they pass minutes, several of which are without heading or signatures, all being characterized by haste and negligence ; they forget all their aphorisms, axioms and rules ; they pay themselves, in their reports, magnificent praises and compliments in contrast with their predecessors, but do not realize any of their predictions, and signally fail in all their promises.

A part of which I have just stated is to be found in clear types and figures, in the public documents, and especially in such documents as Appendixes B.B.B.B. Journal of 1849. R.R. Journal of 1850. W. Journal of 1851 and L.I.I. Journal of 1852-53 ; the remainder is to be seen in the records of the Penitentiary.

But the authors of those articles of the *Mercury* and *British American* must have had some object in view, in accumulating such an amount of unfounded and ill got up accusations? . . . Yes, and the end was as shameful as the means employed to attain it; but I am convinced all in vain. Such object is clearly shown, almost without pretence of concealment, in several passages of those writings. The *Mercury* of the 30th November has the following: "The demand for a *thorough investigation* and for *speedy change* "is urged with an earnestness that has excited alarm in quarters which "are interested in the maintenance of things as they are."

But, worthiest and most honest of writers, why ask for an investigation and a change in the same paragraph? In your *earnestness*, you have failed to consider that if a *speedy change* is to be made, then there is no use for an investigation; unless, perhaps, considering that the pay of a Commissioner is larger than the pay of a permanent officer, you have deluded yourself with the idea that you could bag, successively, the two offices, with a clear gain of a few hundred dollars.

The *British American*, in his number also of the 30th November last, said:—"Perhaps a new Board, composed of *able and practical men*, would "remedy the evils of mismanagement *without further difficulty*."

What an easy settlement for such complicated evils! \* \* A great pity it would be, if the country was not benefitted by the *speedy* appointment of those "*able and practical men*," and especially of that "*commanding mind*" alluded to in the *Mercury*.

As for cabbagging, dealing and tooth drawing  
Billy Gossip, Billy Gossip is the man!

I thank you, Mr. Editor, for the large space you have allowed me to occupy in your columns. I would beg your pardon for so awkwardly handling your language, but that I have no pretention to be an English scholar,

Your's truly,

J. C. TACHÉ.











